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BOOK REVIEWS

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LAW AND ITS ADMINISTRATION, by Harlan F. Stone. (New York: Columbia University Press, 1915, pp. viii, 232.)

Lectures on the Hewitt Foundation at Columbia University by Dean Stone of the Law School furnish the substance of this volume. While primarily adapted to the needs of the layman, discussing as they do in untechnical language "the more fundamental notions which underlie our legal system," the lectures should not be without great interest to professional readers. "Law," says Dean Stone, "lies at the very root of civilization itself, for science, art, commerce, the capacity for coöperative effort by communities and peoples which we identify with civilization, have become possible only through the establishment of social order, which in turn makes law possible, and of which law is the necessary concomitant." Nevertheless, although every one is subject to law, we vote on constitutional amendments, and in some states upon statutes, elect judges, and discuss law reform "without any systematic or comprehensive knowledge of the nature of law or its origin."

As it exists in the modern community, law is defined "as the sum total of all those rules of conduct for which there is state sanction," and the first chapter contains an excellent discussion of its nature, functions, sources, and relation to ethics and morals, and the connection between law and justice. Two chapters deal with the fundamental legal conceptions of rights, which are treated according to their nature and according to the persons concerned, and the differences between public and private law, and law and equity.

Especially to be commended is Dean Stone's chapter on "Constitutional Limitations" which gives within a very brief compass a brilliant statement of the American doctrine of judicial review, and analyses the criticism that the courts in determining the constitutionality of legislation under the Fourteenth Amendment, have failed to recognize the principle of "social justice." Other chapters cover procedure, the quality of legal education, character of the judiciary, the problem of codification, and the work of the Commission for Uniform State Laws.

As has already been indicated, Dean Stone's subject matter will not be new to the professional reader, but the treatment is so lucid, so fresh, so sane after the many attacks that have been made on the bench and bar, that the volume will well repay careful reading. It should certainly supplement, if not supplant, some of the texts at present used in elementary law courses, and should serve as an admirable introduction to a more exhaustive study of legal philosophy.

L. R.

HISTORY OF AMERICAN DIPLOMACY, by Carl Russell Fish, Professor of History in the University of Wisconsin. (New York: Henry Holt & Co., 1915, pp. 541.)

As announced in his preface, the purpose of Professor Fish's book is to present a "comprehensive and balanced, though brief, review of